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HARNESS, DICKEY & PIERCE, P.L.C. P.O. BOX 828 BLOOMFIELD HILLS, MI 48303				ALLISON, ANDRAE S
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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/736,888	CHEW, KHIEN MEOW DAVID	
	<b>Examiner</b>	<b>Art Unit</b>	
	ANDRAE S. ALLISON	2624	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

1) Responsive to communication(s) filed on 07 February 2008.

2a) This action is **FINAL**.                    2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

4) Claim(s) 2-20,23-36,43-45 and 48-54 is/are pending in the application.

4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

5) Claim(s) \_\_\_\_\_ is/are allowed.

6) Claim(s) 2-20, 23-36, 43-45 and 48-54 is/are rejected.

7) Claim(s) \_\_\_\_\_ is/are objected to.

8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) All    b) Some \* c) None of:

1. Certified copies of the priority documents have been received.
2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413)
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	Paper No(s)/Mail Date. _____ .
3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)	5) <input type="checkbox"/> Notice of Informal Patent Application
Paper No(s)/Mail Date _____ .	6) <input type="checkbox"/> Other: _____ .

## **DETAILED ACTION**

### ***Response to Remarks***

1. The Office Action has been made issued in response to amendment filed February 7, 2008. Claims 2-20, 23-36, 43-45 and 48-54 are pending. Applicant's arguments have been carefully and respectfully considered in light of the instant amendment, and some are persuasive.

### **Claim Rejections – 35 USC section § 103**

Applicant noted that claim 22 was not address in the previous office action, the Examiner aggress, since claim 22 was inadvertently omitted in the office action. Applicant, also pointed out that claims 8, 9, 15 and 16 were not address, however the Examiner disagrees, since these claims were clearly address on pages 11-12 of the previous office action dated (11/07/2007). Claim 52, misnumbered as claim independent claim 51, was also address on page 13-14.

In response to Applicant argument on pages 17-21 that neither Franz, Morgan, nor Tilsley teach wherein the specified criteria include a stress level of the driver, the Examiner agrees. Thus the Examiner withdraws the previous rejection. However, upon review of the prior art a new ground of rejection is being presented.

***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 2--16, 18-21, 24-29, 32-36, 43, 45-48 and 51 are rejected under 35 U.S.C. 103(a) as being unpatentable over Franz (US Patent No.: 6,856,344) in view of Morgan et al (US Patent No.: 6,958,676) further in view of Seal et al (US Patent No.: 6,549,118).

As to independent claim 43, Franz discloses a method for automatically inspecting a vehicle (inspecting a vehicle's undercarriage; column 1, lines 15-17) being driven into a first area (e.g. border check points, see column 1, line 54), the method comprising: However, Franz does not expressly disclose capturing identification data about a driver who is driving the vehicle into the first area and based on captured identification data about the driver who is driving the vehicle into the first area, captured number plate data, and driver identification data identifying drivers who are permitted to drive vehicles into the first area, determining whether the driver is permitted to drive the vehicle into the first area; wherein capturing identification data comprises detecting physiological data about the driver who is driving the vehicle; and further comprising: inferring, from the detected physiological data, information about a current psychological profile of the driver; and triggering an alerting mechanism when the inferred current psychological profile of the driver matches specified criteria.

Morgan discloses a vehicle passenger authorization method (column 1, lines 15-18) that includes the step of capturing identification data about a driver who is driving the vehicle (see column 3, lines 48-51 where driver input biometric data) into the first area and based on captured identification data about the driver who is driving the vehicle into the first area, captured number plate data (see column 5, lines 50-55, where the license plate is captured), and driver identification data identifying drivers who are permitted to drive vehicles into the first area, determining whether the driver is permitted to drive the vehicle into the first area (note that based on the identification of the driver, and vehicle identification data identifying permitting drivers is the vehicle and driver allow or denied access to a gate, see column 4, lines 5-26) wherein capturing identification data comprises detecting physiological data about the driver who is driving the vehicle (see column 3, lines 47-63, where physiological data is collected); and further comprising: inferring, from the detected physiological data, information about a current psychological profile of the driver (see column 3, lines 63-67 and column 4, lines 1-4); and triggering an alerting mechanism when the inferred current psychological profile of the driver matches specified criteria (see column 4, lines 5-25, where an alert is provided to the driver with further instructions). At the time of the invention, it would have been obvious to a person of ordinary skill in the art to have modified the vehicle inspection method of Franz with the vehicle passenger authorization method of Morgan for authenticating a driver and his vehicle thus preventing unauthorized personal or vehicle from entering secure facilities (column 2, lines 59-61). Furthermore, using the

method of Morgan would automate the driver identification process, thereby making access control and vehicle inspection more secure and efficient.

Note the discussion above, Franz in view of Morgan does not disclose the method which the specified criteria include a stress level of the driver. Seal discloses a method for providing a security check (column 1, lines 6-10), wherein the specified criteria include a stress level of the driver (note that voice samples which can determine the stress level of an individual, see column 1, line 31-33). At the time of the invention, it would have been obvious to a person of ordinary skill in the art to have modified the vehicle inspection method of Franz as modified by Morgan with the method for providing a security check of Seal for determining using digital signature whether a person is authorized to pass a security check (see column 2, lines 19-22), for e.g. border crossing or secure facilities such as military or government installation. Furthermore, using the apparatus for providing a security check of Seal would automate the driver identification process, thereby making access control and vehicle inspection more secure and efficient.

As independent claim 14, this claim differs from claim 43 only in that claim 14 is apparatus whereas, claim 43 is method and the limitations database means containing: driver identification data, number plate data identifying vehicles, data identifying which driver is permitted to bring which vehicle into the secure site; means for capturing identification data, number plate recognition means and means for interrogating the database means additively recited. Franz discloses a system (see Fig 1) comprising:

database means (see Fig 16) containing: driver identification data, number plate data identifying vehicles (165. see Fig 6) and means for interrogating the database means (82, see Fig 160). However, Franks does not expressly disclose driver identification data, means for capturing identification data and number plate recognition means, and wherein: the means for capturing identification data comprises means for detecting physiological data, means for inferring and means for triggering an alerting mechanism. Morgan discloses a vehicle passenger authorization system (column 1, lines 15-18), means for capturing identification data (308, see Fig 3) and the number plate recognition means (VPAS, see column 5, line 48), wherein: the means for capturing identification data (VPAS, see Fig 1) comprises means for detecting physiological data (VPAS, see Fig 1), means for inferring (VPAS, see Fig 1) and means for triggering an alerting mechanism (VPAS, see Fig 1). Thus combining Franz with Morgan would meet the claim limitation for the same reasons as discussed with respect to claim 43 above.

Note the discussion above, Franz in view of Morgan does not disclose the apparatus which the specified criteria include a stress level of the driver. Seal discloses an apparatus for providing a security check (column 1, lines 6-10), wherein the specified criteria include a stress level of the driver (note that voice samples which can determine the stress level of an individual, see column 1, line 31-33). Thus combining Franz as modified Morgan with Seal would meet the claim limitation for the same reasons as discussed with respect to claim 43 above.

As to claim 2, Franz discloses the apparatus wherein the means for detecting the

presence of explosives comprises an area-scan camera for capturing a series of images of different areas of the undercarriage of the vehicle (column 11, lines 44-67); and means for stitching the series of images of different areas of the undercarriage, to form a composite (see Fig 12) undercarriage image (column 12, lines 1-34).

As to claim 3, Franz discloses the apparatus wherein individual images of the series of images are overlapping images (column 11, lines 44-67).

As to claim 4, Franz discloses the apparatus wherein the composite undercarriage image is a complete undercarriage image (see Fig 12).

As to claim 5, Franz discloses the apparatus, wherein the database means further stores vehicle identification data (82, see Fig 16) of vehicles permitted into the first area in association with the images of the undercarriages of those vehicles.

As to claim 6, Franz discloses the apparatus, further comprising: means for inputting an identification of a vehicle being driven into the first area (column 15, lines 40-50); and wherein the means for comparing is operable to compare the captured image of the undercarriage of the vehicle with at least one of the stored images associated with the identification of the vehicle being driven into the first area and to highlight discrepancies therebetween (column 15, lines 32-55).

As to claim 7, Franz discloses the apparatus, further comprising means for triggering an alerting mechanism when the means for comparing highlights discrepancies (column 31-43).

As to claims 10-13, note the discussion of claim 14 above.

As to claim 15, note the discussion above, Morgan teaches the apparatus, wherein the means for inputting driver identification data comprises means for capturing identification data about the driver (VPS 100, see Fig 1).

As to claim 18, note the discussion above, Morgan teaches the apparatus, wherein the driver identification data for a driver comprises biometrics data (facial image; see column 2, lines 18-22) of the driver.

As to claim 19, note the discussion above, Morgan teaches the apparatus, wherein the biometrics data identifying drivers who are permitted to drive vehicles into the first area comprises a facial image of each such driver (see column 3, lines 56-64).

As to claim 20, note the discussion above, Morgan teaches the apparatus wherein the means for capturing identification data about a driver is operable to capture driver biometrics data (VPAS, see Fig 1).

Claim 21 differ from claim 46 only in that claim 21 is an apparatus claim whereas, claim 46 is a method claim. Thus, claim 47 is analyzed as previously discussed with respect to claim 21 above.

As to claim 25, note the discussion above, Morgan teaches the apparatus in which the apparatus is arranged in three zones, comprising: an identification and psychological profiling zone, in which the means for capturing identification data about the driver is located; an automatic inspection zone, in which the imaging means for capturing an image of the undercarriage of the vehicle is located; and a manual inspection zone (note that the staging area is dividing into zones, column 3 - 5).

As to claim 23, note the discussion above, Morgan teaches the apparatus in which the physiological data includes voice characteristic data of the driver (see column 7, lines 43-48).

As to claim 24, neither Franz or Morgan disclose the apparatus in which: the apparatus further includes means for storing at least one of base-line pulse rate data and voice characteristic data about the driver; and the means for inferring the current psychological profile of the driver from the detected physiological data includes means for comparing at least one of the detected pulse rate of the driver with the base-line pulse rate data for the driver, and the detected voice characteristic of the driver with the stored voice characteristic data for the driver. However it would have been obvious to

include the means for storing at least one of base-line pulse rate data and voice characteristic data about the driver; and the means for inferring the current psychological profile of the driver from the detected physiological data includes means for comparing at least one of the detected pulse rate of the driver with the base-line pulse rate data for the driver, and the detected voice characteristic of the driver with the stored voice characteristic data for the driver so that a driver physiological data can be compared quickly against a database of stored physiological data so that a determination can be made to allow or denied the driver access to a secure site (OFFICIAL NOTICE).

As to claims 26-28, neither Franz or Morgan teach the apparatus further comprising means, under control of the apparatus, for selectively preventing and allowing movement of the vehicle from the identification and psychological profiling zone into the automatic inspection zone, selectively preventing and allowing movement of the vehicle from the automatic inspection zone into the manual inspection zone and selectively preventing and allowing movement of the vehicle from the manual inspection zone into the first area. However, it would have been obvious to have an under control of the apparatus, for selectively preventing and allowing the movement of the vehicle through all three zones to immobilized the vehicle during the inspection process so if that if either the vehicle or the driver fails the inspection process, neither is allowed to access to the secured area. Furthermore, under control of the apparatus allow security officials enough time to react to a threat if necessary (OFFICAL NOTICE).

As to claim 29, neither Franz or Morgan teach the apparatus in which components of the apparatus that are located in at least one of: the identification and psychological profiling zone; the automatic inspection zone; and the manual inspection zone, are hardened against the effects of explosive blast. However, it would have been obvious to have the three zones hardened against the effects of explosive blast so that if during the inspection process, an explosion occurs, the blast is confined only to the inspection area. Also, hardening the three zones protects the security officials and the secure site (OFFICIAL NOTICE).

As to claims 32-34, neither Franz or Morgan teach the apparatus further comprising means for detecting a presence of explosives associated with the vehicle that is being driven into the first area located in at least one of the automatic inspection zone and the manual inspection zone and the means for detecting the presence of explosives include at least one of portable explosives detection devices and a detecting portal through which the vehicle is driven. However, it would have been obvious to have including in the inspection apparatus means for detecting a presence of explosives which includes a portable explosives detection devices so that if a vehicle contained explosives or have explosive devices attached to it, the device can detect it and alert security officials. Moreover, including a portable explosive detection device such as a robot enables the security official to remotely diffuse a threat and if the explosive detonates, only the mobile device will be destroyed, therefore the use of mobile detection devices save lives (OFFICIAL NOTICE).

As to claim 35, Franz discloses the apparatus wherein the vehicle is a motor vehicle (see Fig 6).

As to claim 36, Franz discloses the apparatus 1, wherein the first area is a secure site (e.g. border check points, see column 1, lines 64).

As to claim 45, note the discussion above, Morgan teaches the method, wherein capturing identification data about a driver comprises capturing biometrics data from the driver comprising a facial image of each such driver (see column 2, lines 18-22).

As to claim 46, note the discussion above, Morgan teaches the method wherein: capturing identification data comprises detecting physiological data about the driver who is driving the vehicle; and further comprising: inferring, from the detected physiological data, information about a current psychological profile of the driver (note that blood vessel detector can be used, column 6, lines 23-27); and triggering an alerting mechanism when the inferred current psychological profile of the driver matches specified criteria (see column 8, lines 30-40, where a green or red light is shown to the driver based on the results of the analysis of data collected from the driver).

Claim 47 differ from claim 23 only in that claim 23 is an apparatus claim whereas, claim 47 is a method claim. Thus, claim 47 is analyzed as previously discussed with respect to claim 23 above.

Claim 48 differ from claim 24 only in that claim 24 is an apparatus claim whereas, claim 48 is a method claim. Thus, claim 48 is analyzed as previously discussed with respect to claim 24 above.

As to claim 51, Franz discloses the method wherein, further comprising detecting a presence of explosives associated with the vehicle that is being driven into the first area (column 16, lines 31-43).

4. Claims 8-9, 16-17, 30-31 and 49-54 are rejected under 35 U.S.C. 103(a) as being unpatentable over Franz (US Patent No.: 6,856,344) in view of Morgan et al (US Patent No.: 6,958,676) further in view of Seal et al (US Patent No.: 6,549,118) further in view of Tilsley (US Patent No.: 6,970,576).

As to claim 8, Franz does not expressly disclose the apparatus wherein the means for inputting an identification of a vehicle comprises means for reading an identification number on the vehicle. Tilsley discloses a surveillance apparatus (column 1, lines 10-13) wherein the means for inputting an identification of a vehicle comprises means for reading an identification number on the vehicle (see Fig 2). At the time of the invention, it would have been obvious to a person of ordinary skill in the art to have

modified the vehicle inspection apparatus of Franz as modified by Morgan and Seal with the surveillance apparatus of Tilsley for capturing a vehicle license plate and carry out number recognition to determine whether to grant or denied a vehicle access to a sure area such as border crossing or secure facilities such as military or government installation. Furthermore, using the apparatus would automate number identification process, thereby making access control and vehicle inspection more secure and efficient.

As to claim 9, note the discussion above, Tilsley teaches the apparatus wherein the means for reading comprises number plate recognition means for reading a number on a vehicle number plate (see Fig 2).

As to claim 16-17, note the discussion above, neither Franz, Morgan or Tisley teach the apparatus, wherein the driver identification data for a driver comprises information from a personal identification card and wherein the mean for capturing identification data about a driver operable to capture data from a driver's personal identification card. However, it would have obvious to obtain the driver identification data by capturing data from a personal identification because a driver identification card is a well from for identifying a person and a barcode reader or scanner could be used to capture data from the identification card (OFFICIAL NOTICE).

As to claim 30, note the discussion above, Tilsley teaches the apparatus wherein

the number plate recognition means includes a number plate recognition camera (4, see Fig 1).

As to claim 31, note the discussion above, Tilsley teaches the apparatus further comprising a number plate recognition camera (C2, see Fig 2) for capturing number plate data about the vehicle being driven into the first area; and wherein the vehicle is visible to the number plate recognition camera on entry of the vehicle into the identification and psychological profiling zone; and on detection by the number plate recognition camera of the vehicle entering into the identification and psychological profiling zone. However, neither Franz, Morgan, Searl nor Tilsley disclose the number plate recognition camera is triggered to capture number plate data about the vehicle. However, it would have been obvious to have the number plate recognition camera is triggered to capture number plate data about the vehicle so that the camera can capture the license number when the license plate is in proper focus relative to the camera so that number recognition can be carried out to determine whether the vehicle should be denied or granted access to a secure area (OFFICIAL NOTICE).

As to claim 49, note the discussion of claim 31 above.

Claim 50 differ from claim 26 only in that claim 26 is an apparatus claim whereas, claim 50 is a method claim. Thus, claim 50 is analyzed as previously discussed with respect to claim 26 above.

As to independent claim 52, all the limitations are discussed above except:: wherein allowable outcomes of the at least one inspection process in the first inspection zone comprise: (i) the vehicle failing the at least one inspection process and: (a) the vehicle not being permitted to move out of the first inspection zone; or (b) the vehicle being allowed to leave without proceeding into the first area; and (ii) the vehicle passing the at least one inspection process and being permitted to move out of the first inspection zone into a second one of the inspection zones; and if the vehicle has entered the second inspection zone conducting at least one other inspection process on the vehicle in the second inspection zone; wherein allowable outcomes of the at least one other inspection process in the second inspection zone comprise: (iii) the vehicle failing the at least one inspection process and: (c) the vehicle not being permitted to move out of the second inspection zone; or (d) the vehicle being allowed to leave without proceeding into the first area; and (iv) the vehicle passing the at least one other inspection process and being permitted to move out of the second inspection zone.

Neither Franz, Morgan or Tilsley disclose the above limitations. However it would have been obvious to include in the inspection apparatus exit at in all three zone so that if the vehicle fails any of the inspection test, the vehicle is allow to leave the inspection site without gaining any access to the secure area. Moreover, in each zone there are only two possible outcomes, the vehicle either fails or passes the inspection test (OFFICIAL NOTICE).

As to claim 53, note the discussion of claim 19 above.

As to claim 54, note the discussion of claim 51 above.

wherein: the means for capturing identification data comprises means for detecting physiological data, means for inferring and means for triggering an alerting mechanism.

***Inquires***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Andrae S. Allison whose telephone number is (571) 270-1052. The examiner can normally be reached on Monday-Friday, 8:00 am - 5:00 pm, EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Bhavesh Meta can be reached on (571) 272-7453. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Andrae Allison

May 9, 2008

/Samir A. Ahmed/

Supervisory Patent Examiner, Art Unit 2624